



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON
ATTORNEY GENERAL**

May 4, 1959

Honorable Frank Scofield
Chairman, Livestock
Sanitary Commission of Texas
3320 West 7th Street
Fort Worth 7, Texas

Opinion No. WW-620

Re: Whether the Chairman
of the Livestock Sanitary
Commission of
Texas is entitled to
vote on matters before
the Commission.

Dear Mr. Scofield:

This office is in receipt of your recent letter in which you have asked for the opinion of this office regarding the Chairman of the Livestock Sanitary Commission being allowed to vote on matters before the Commission.

Article 7009 establishes the Livestock Sanitary Commission and provides who shall be members thereof. We quote the appropriate part of that statute:

"The Governor shall, within thirty days after this Act becomes effective, by and with the advice and consent of the Senate, appoint six citizens of this State as a Livestock Sanitary Commission of the State of Texas. The Governor shall designate one such member as a Chairman. Each Commissioner shall give bond payable to the State of Texas in the sum of Ten Thousand Dollars to be approved by the Comptroller. There shall be one Commissioner from each of the following industries, and with the following qualifications: (1) practitioner of veterinary medicine; (2) dairyman; (3) practical cattle raiser; (4) practical hog raiser; (5) sheep or goat raiser; and (6) poultry raiser.

Honorable Frank Scofield, page 2 (WW-620)

"Insofar as is practicable the Commissioners appointed hereunder shall be appointed so as to give proportionate representation from the west, from the south, from the north, and from the eastern portions of Texas; . . ."

The remaining part of this section establishes the tenure of office of the members of the Commission.

An analogous situation was resolved by Attorney General's Opinion O-1716, wherein the conclusion was reached that the County Judge had voting rights on the Commissioners' Court, the statute being silent on the subject, as in the instant problem; quoting from that opinion in part, as follows:

"It appears from all the authorities that we have examined that the county judge is an integral part of the commissioners' court and in none of the authorities, constitutional, statutory, or judicial interpretations is the right of such judge as a constituent member of the commissioners' court denied nor is his right to vote denied expressly or impliedly."

It is the opinion of this office that the Chairman is appointed to and is an integral part of the Commission and therefore should be entitled to a vote on matters before the Commission, as in the case of the County Judge with respect to the Commissioners' Court.

The Legislature has seen fit to provide that each of the various segments of the Livestock Industry should be represented on the Commission, and has indicated their desire that each of the four sections of the State, West, South, North, and East, should be proportionately represented on the Commission. To disallow the Chairman of the Commission the privilege of voting on matters before the Commission would defeat the intention of the Legislature by denying that segment of the Livestock Industry which he represents, equal representation on the board as well as denying that section of the State which he represents, equal representation on the board.

Honorable Frank Scofield, page 3 (WW-620)

SUMMARY

The Chairman of Livestock
Sanitary Commission of
Texas has a right to vote
on matters before the Com-
mission.

Yours very truly,

WILL WILSON
Attorney General of Texas

By 
John L. Estes
Assistant

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APPROVED:

OPINION COMMITTEE
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John Reeves
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REVIEWED FOR THE ATTORNEY GENERAL
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